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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 NATHAN R. GONINAN, ) CASE NO. C09-0934-RAJ-MAT  
09 Plaintiff, )  
10 v. ) ORDER DENYING PLAINTIFF'S  
11 JONES, et al., ) MOTION FOR APPOINTMENT OF  
12 Defendants. ) COUNSEL  
\_\_\_\_\_ )

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14 This matter comes before the Court on plaintiff's motion for appointment of counsel.  
15 The Court, having reviewed plaintiff's motion, and the balance of the record, does hereby find  
16 and ORDER:

17 (1) Plaintiff's motion for appointment of counsel (Dkt. 6) is DENIED. There is no  
18 right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court,  
19 under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma*  
20 *pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789  
21 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984);  
22 *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances

01 requires an evaluation of both the likelihood of success on the merits and the ability of the  
02 plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.  
03 *Wilborn*, 789 F.2d at 1331. Plaintiff has not, at this juncture, demonstrated any likelihood that  
04 he will succeed on the merits of his case. Thus, plaintiff has not demonstrated that this case  
05 involves exceptional circumstances which warrant appointment of counsel.

06 (2) The Clerk shall send a copy of this Order to plaintiff.

07 DATED this 14th day of August, 2009.

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09 Mary Alice Theiler  
10 United States Magistrate Judge  
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